



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010298
Applicant Name: Joel Howitt for QFC Stores
Address of Proposal: 1531 NE 145th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new gas station with five fuel pumps (ten fueling positions) a 3,480 sq. ft. canopy and a retail kiosk accessory to existing retail sales and service use (QFC). Project includes the installation of two underground fuel storage tanks (one 20,000 gallon tank and one 18,000 gallon tank). Project also includes 500 cu. yds. of grading.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site and Area

This proposal is located at the City's northern border (on the south side of NE 145th Street), between 15th and 17th Avenues NE. It is on a large, multi-parcel site with a QFC store, with which the gas station use will be associated. There is also a Burger King on the site, as well as considerable surface parking. The portion of the site to be developed directly abuts NE 145th Street, and basically runs between the video store at the corner of NE 145th Street and 17th Avenue NE (not a part of the site) and the westerly access driveway into the surface parking. This is zoned C1, with a 65-foot height limit. The rest of the site is also zoned C1, though with a 40 foot height limit. The adjacent parcels to the west are similarly zoned. Zoning is not available for the parcels across Ne 145th Street to the north, which are in a different jurisdiction. Surrounding development is all auto-oriented commercial.

Proposal

The proposal is to remove 43 parking spaces and to remove the existing paving serving them, to provide a substantial foundation for the traffic expected for the gas station, and to construct a gas station with canopy, signs, and service kiosk together with two underground tanks storing fuel (one 20,000 gallons; one 18,000 gallons). There would be minor enhancements of landscaping as well.

Public Comments

Three comments were submitted by the public, all opposed to the project. One appeared concerned about aesthetic impacts, another about traffic impacts, and the other suggesting that there were enough gas stations in the area.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist, supplemental information provided by the applicant (including a Phase II environmental assessment), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; potential for disturbance of contaminated soils, and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment.

Earth

The limited Phase II environmental assessment by Terra Associates identified soils under the construction footprint that exceed clean-up levels for benzene, which is believed remnant from a previously existing gas station on the site. Toward the west portion of the construction footprint, there is an orphan plume of perchloroethylene contamination believed stemming from some historic off-site activity. Terra Associates developed a contaminated media management plan (CMMP) to mitigate the adverse impacts associated with the identified contaminants. The CMMP is dated 28 October 2009, and it identifies with greater specificity the locations and degrees of contamination. These, frankly, are rather modest. The plan calls for further sampling, in lieu of which plan page C2-of-6 substitutes a stricter protocol, namely disposing of ALL soils at the Cemex facility in Everett, where acceptance for disposal is contingent upon assessment of contaminants. This will guarantee that any contamination encountered will be properly addressed. No further mitigation pursuant to SEPA is warranted.

Water

The CMMP also addresses contaminants in the groundwater, which is expected to be exported from the site through the King County sanitary sewer line. In a letter dated 23 March 2010, the King County Wastewater Treatment Division approved discharge to its sanitary sewer contingent upon a holding/settling process and adequate assessment of water prior to discharge. This protocol, which is committed to on page C2-of-6 in the plan set, is adequate to mitigate likely adverse impacts to water. No further mitigation pursuant to SEPA is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased activity in the gas station area and increased demand for parking; increased demand for public services and utilities; increased structure bulk; and increased light and glare. None of these impacts are regarded as substantial.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development.

Air

The applicant submitted a DPD-designed worksheet calculating the lifetime metric tons of CO₂ equivalent emitted for the lifetime of the project at 2933 tons. There are presently no standards for assessing adverse impacts of such emissions. No mitigation pursuant to SEPA is warranted at this time.

Light and Glare

The environmental checklist indicates that the canopy lighting will be recessed to minimize its horizontal spillover. Nonetheless, clearly the levels of illumination in the area will be markedly increased throughout the night by the lighting associated with the proposed use. The mitigating

factors are that all properties facing the gas station (at least on the City side) are within the C1 commercial zone, and appear to be substantial commercial uses themselves, little likely to be active at night. Across the street, in the adjacent jurisdiction is a very large seemingly commercial structure with a large surface parking lot. This use is not likely to be affected by nighttime light. For the most part, the commercial structures seem substantial enough to block most of the light from the gas station site being visible more than ½ blocks away, with no sensitive receptors within the affected half block. Hence, no additional mitigation for adverse light impacts appears warranted.

Transportation and Parking

The SEPA checklist, which was based solely on ITE statistical information, indicates that approximately 64 net new P.M. peak hour trips would be associated with the proposed gas station. Very likely this number exceeds what would actually be generated, due to the fact that the existing QFC grocery store on site likely will be the trip generator, with a gas station stop merely ancillary. DPD's transportation expert has examined the applicant claims regarding traffic impacts, and has concluded that no mitigation is warranted.

DECISION - SEPA

The application is **APPROVED**.

CONDITIONS – SEPA

None.

Signature: (signature on file)
Paul Janos, Land Use Planner
Land Use Division

Date: April 8, 2010